

### **REMARKS/ARGUMENTS**

The office action of September 3, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

The indication that claims 10, 13, 15-20, 22, and 23 are considered to be allowable if rewritten in independent form is appreciated.

Claims 1, 3-8, 11-12 and 21 remain rejected under 35 U.S.C. 102(b) in view of cited Tashiro (Japanese Patent No. JP401267180A) and claims 9, 14, and 24-26 remain rejected under 35 U.S.C. 103(b) as being unpatentable over Tashiro.

Claim 1 has been amended to recite that the carrier is substantially flexible or is divided into substantially rigid pieces which are coupled in mutually flexible manner. These are limitations recited in claims 6 and 7 hence inclusion in claim 1 does not raise new issues as these features have already been examined. The carrier in Tashiro is neither flexible nor made of substantially rigid pieces which are coupled in mutually flexible manner. Note that items 51 and 55, although rigid, are not connected in a mutually flexible manner.

Tashiro does not teach or suggest the elements of independent claim 1. Claim 1 is allowable. Likewise, claims dependent on claim 1 are allowable as well.

Claim 12 was amended as an independent claim. Claim 12 requires that the clamping elements each comprise at least two parts, at least one of which is connected resiliently to the carrier. The parts each take substantially the form of a *semi-cylindrical* surface, wherein both parts are connected to the carrier such that in the non-loaded situation both parts are *separated* on either side by a narrow *gap*. Attention is drawn to Fig. 1 for example which shows the gap.

Tashiro does not teach or suggest the clamping elements that have two parts, each part being a semi-cylindrical surface. Moreover, Tashiro does not teach a gap in accordance with claim 12. Figures 1-5 of Tashiro depict wedge type structures where a cutting is wedged

between two foam parts, the foam holding the cutting snug. These holders are not formed from two semi-cylindrical surfaces and are not separated on either side by a narrow gap.

Figure 8 of Tashiro depicts a vial that holds liquid. The plant cutting is inserted into the vial. Although the vial is cylindrical, this vial is not comprised of two parts where the parts are separated by a gap. In fact, Tashiro would not want a gap as the vial would not be able to hold water defeating the purpose thereof. The holders of figures 10-14 are designed to hold the vials, not a plant.

Tashiro does not teach or suggest the elements of independent claim 12. Claim 12 is allowable. Likewise, claims 15-20, all dependent on claim 12, are allowable as well. (The subject matter of these claims has already been indicated as allowable.)

Claim 13 was indicated to be allowable and has been rewritten in independent form.

Claim 21 was rewritten in independent form and recites that the clamping elements each comprise at least two parts, at least one of which is connected resiliently to the carrier. Each of the parts of the clamping elements is connected to the carrier for tilting on an axis extending substantially at a right angle to the plane of the carrier. Attention is drawn to Fig. 8. Tashiro does not teach or suggest clamping elements that tilt on an axis.

Figures 1-5 of Tashiro depict wedge type structures where a cutting is wedged between two foam parts, the foam holding the cutting snug. Alternatively, Tashiro utilizes a vial to hold the plant cuttings. Contrary to the position asserted in the Office Action, item 31 in Figures 11 and 13 do not disclose clamping elements connected to the carrier for tilting on an axis extending substantially at a right angle to the plane of the carrier.

Claim 21 is allowable over Tashiro. Likewise dependent claims 22 and 23 are allowable over Tashiro. (The subject matter of these claims has already been indicated as allowable.)

Claim 25 was rewritten in independent form. Claim 25 requires that the carrier is manufactured from flat material in which at least three lips are punched at the position of each

Appln. No.: 09/914,793  
Amendment dated December 27, 2004  
Reply to Office Action of September 3, 2004

clamping element, which lips are adapted to fixedly clamp the plant cuttings. Attention is drawn to Fig. 7.

Tashiro does not teach or suggest producing a clamping element by punching a flat material as claimed. Contrary to the position asserted in the Office Action, items 55 and 54 are not lips punched out of a flat material where the lips *fixedly* clamp the plant cuttings. Note further, the holes 54 are designed to hold tubes and appear to have a slot to hold piece 35 of the tube. See Fig. 8.

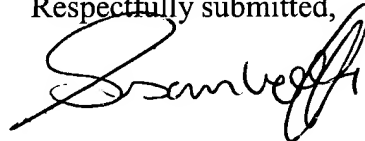
Claim 25 is allowable over Tashiro. Likewise dependent claim 26 is allowable over Tashiro.

Tashiro does not teach or suggest the instant claims. Withdrawal of the rejections over Tashiro is requested.

### **CONCLUSION**

In view of the above remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,



Susan A. Wolffe  
Reg. No. 33,568

Date: December 27, 2004

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D. C. 20001-4597  
(202) 508-9100